

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Darrell Kluge,

Plaintiff,

Civil No. 09-1763 (DWF/JJG)

v.

Internal Revenue Service,

Defendant.

**NOTICE OF PRETRIAL
CONFERENCE**

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, a pretrial conference will be held on **Friday, October 9, 2009, at 10:30 a.m., in Room 342**, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **Saint Paul**, MN 55101, before United States Magistrate Judge Jeanne Graham.

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, counsel shall meet before the scheduled pretrial conference and jointly prepare and file a complete written report of the Rule 26(f) meeting at least **one week** prior to the Pretrial Conference. The report shall include the information set forth in the attached format for Rule 26(f) reports for pretrial conferences before Magistrate Judge Graham.

Counsel who will be trying the case should make every effort to be present at the conference. If this is not possible, substitute counsel should be arranged. If counsel is outside of the Twin Cities area and wishes to appear by phone, please **contact me by phone** at 651-848-1890 **prior to the pretrial conference** to make arrangements.

Dated: September 18, 2009

s/ Judith M. Kirby

JUDITH M. KIRBY

Judicial Assistant/Calendar Clerk for

JEANNE J. GRAHAM, U.S. Magistrate Judge

Attachment

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Name(s) of Plaintiff(s),

CIVIL FILE NO. *

Plaintiff(s),

v.

RULE 26(f) REPORT

Name(s) of Defendant(s),

Defendant(s).

The parties/counsel identified below participated in the meeting required by Fed.R.Civ.P. 26(f), on _____, 20__, and prepared the following report.

The pretrial conference in this matter is scheduled for _____, 20__, at _____ before United States Magistrate Judge Jeanne J. Graham.

DESCRIPTION OF CASE

1. Concise Factual Summary of Plaintiff's Claims;
2. Concise Factual Summary of Defendant's claims/defenses;
3. Statement of Jurisdiction (including statutory citations);
4. Summary of Factual Stipulations or Agreements;
5. Statement of whether jury trial has been timely demanded by any party.
6. Statement of whether all process has been served.
7. List all insurance carriers/indemnitors, including limits of coverage of each defendant or statement that the defendant is self-insured.

DISCOVERY SCHEDULE/DEADLINES

1. All pre-discovery disclosures required by Rule 26(a)(1) shall be completed on or before _____.
2. Fact discovery shall be commenced in time to be completed on or before _____.

DISCOVERY LIMITATIONS

1. No more than a total of _____ interrogatories, counted in accordance with Rule 33(a), shall be served by each side. No more than _____ document requests and no more than _____ requests for admissions shall be served by each side.
2. No more than _____ depositions, excluding expert witness depositions, shall be taken by either side.
3. (If applicable) No more than _____ Rule 35 Medical Examinations shall be taken by Defendant and completed by _____.
4. List any issues relating to disclosure or discovery of electronically stored information, including the form(s) in which it should be produced if discoverable.

EXPERTS

The parties anticipate that they will/will not require expert witnesses at time of trial.

1. Each side may call up to _____ expert witnesses. Accordingly, each party may take one deposition per expert.
2. Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) and the full disclosures required by Rule 26(a)(2)(B), accompanied by the written report prepared and signed by the expert witness, shall be made as follows:
 - a. Identities by Plaintiff on or before _____.
Reports by Plaintiff on or before _____.
 - b. Identities by Defendant on or before _____.

Reports by Defendant on or before _____.

3. Expert discovery, including depositions, shall be completed by _____.

NON-DISPOSITIVE MOTION DEADLINES

1. All motions which seek to amend the pleadings or to add parties must be filed and served on or before _____.
2. Except as indicated in paragraph 4, non-dispositive motions and supporting documents, including those which relate to fact discovery, shall be filed and served on or before _____.
3. Motions which seek to amend the pleadings to include punitive damages, if applicable, must be filed and served on or before _____.
4. All non-dispositive motions and supporting documents which relate to expert discovery shall be filed and served on or before _____.

DISPOSITIVE MOTION DEADLINES

All dispositive motions shall be filed and served (and heard or scheduled, depending on District Judge assigned) on or before _____.

SETTLEMENT

1. The parties will discuss settlement before _____, the date of the initial pretrial conference, by the plaintiff making a written demand for settlement and each defendant making a written response/offer to the plaintiff's demand.
2. The parties believe that a settlement conference is appropriate and should be scheduled to be held by the Court before _____.
3. The parties have discussed whether alternative dispute resolution (ADR) will be helpful to the resolution of this case and recommend the following to the Court: _____

TRIAL

1. Trial by Magistrate Judge

The parties have/have not agreed to consent to jurisdiction by the Magistrate Judge pursuant to Title 28, United States Code, Section 636(c). (If the parties agree, the consent should be filed with the Rule 26(f) Report.)

2. This case shall be ready for trial on _____. The anticipated length of (bench/jury) trial is ____ days.

DATE: _____

Plaintiff's Counsel
License #
Address
Phone #

DATE: _____

Defendant's Counsel
License #
Address
Phone #

UNITED STATES DISTRICT COURT

District of Minnesota

Plaintiff
v.

NOTICE, CONSENT, AND ORDER OF REFERENCE C
EXERCISE OF JURISDICTION BY A UNITED STATES
MAGISTRATE JUDGE

Case Number:

Defendant

NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE TO EXERCISE JURISDICTION

In accordance with the provisions of 28 U.S.C. §636(c), and Fed.R.Civ.P. 73, you are notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with provisions of 28 U.S.C. §636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented

Signatures

Date

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

NOTE: Please see "CONSENT TO DISPOSITION OF CASE BY MAGISTRATE" in the Civil ECF Procedure Guide for instructions on filing this form. Generally, if joint, the form shall be filed electronically in ECF by one person on behalf of all parties under "Other Documents" as "Joint Consent to Proceed before Magistrate before 8th Circuit." If separate, return the executed form to the Calendar Clerk by e-mail pursuant to the specific instructions in the "CONSENT TO DISPOSITION OF CASE BY MAGISTRATE" section of the procedure guide.